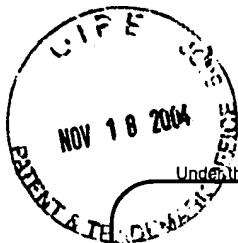


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PTO/SB/21 (09-04)  
Approved for use through 07/31/2006, OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL  
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/720,594
Filing Date	November 25, 2003
First Named Inventor	NEWMAN, Frederick M.
Art Unit	3661
Examiner Name	
Attorney Docket Number	13526.0025.NPUS00

Total Number of Pages in This Submission

## ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): RESPONSE TO RESTRICTION REQUIREMENT; POSTCARD
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
<b>Remarks</b>		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	HOWREY SIMON ARNOLD & WHITE LLP		
Signature			
Printed name	MATTHEW F. STEINHEIMER		
Date	Matthew F. Steinheimer	11/18/04	Reg. No. 47,968

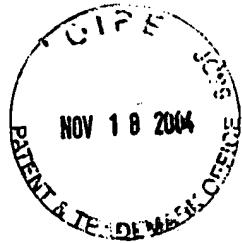
## CERTIFICATE OF EXPRESS MAIL

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as EXPRESS MAIL Post office to Addressee" in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Number: EV 317619480 US, on the date shown below:

Signature			
Typed or printed name	Matthew F. Steinheimer	Date	November 18, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Frederic M. Newman

Serial No.: 10/720,594

Confirmation No.: 5037

Filed: November 25, 2003

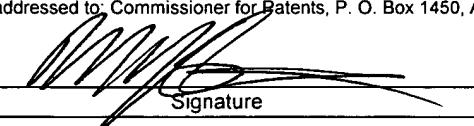
For: CROWN OUT-FLOOR OUT DEVICE  
FOR A WELL SERVICE RIG

§ Group Art Unit: 3661

§ Examiner: Unknown

§ Att'y Docket: 13526.0025.NPUS00

**RESPONSE TO RESTRICTION REQUIREMENT**

EXPRESS MAIL MAILING LABEL	
NUMBER	EV 317619480 US
DATE OF DEPOSIT November 18, 2004	
<p>I hereby certify that this paper or fee is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria VA 22313-1450.</p>  <p>Signature</p>	

Commissioner for Patents  
P. O. Box 1450  
Alexandria VA 22313-1450

In response to the Office Action mailed on October 27, 2004 Applicant requests the following:

**TRAVERSAL OF RESTRICTION REQUIREMENT:**

Applicant traverses the restriction requirement on the grounds that the inventions are not distinct as the Examiner argues, and therefore the Examiner will not be burdened in examining all the claims.

The Examiner argues that the inventions are distinct because they are patentably distinct. There are 2 criteria for a proper restriction requirement: 1) the inventions must be independent or distinct as claimed; and 2) there must be a serious burden on the Examiner. MPEP § 803. In this case, the inventions are not as distinct as the examiner claims. Species 1 is drawn to controlling the speed of a traveling block. Species 2 is drawn to controlling the momentum of a traveling block. Momentum and velocity are mathematically related. Momentum = mass X velocity. Therefore, in essence, the claims of Species 2 are very similar to those of Species 1, the single exception being that Species 1 controls velocity, while Species 2 controls a mass X velocity value.

It is respectfully submitted that during the searching of the prior art for the limitations recited in the claims of the provisionally elected Species 1, the Examiner will necessarily search the classes that include Species 2. Therefore, the Examiner will not be subjected to multiple searches and thus the current situation does not constitute an undue burden for the Examiner. In view of the above arguments, Applicant requests that the restriction requirement be reconsidered and withdrawn, and all the claims be examined together on the merits.

\*\*\*\*\*

**PROVISIONAL ELECTION OF SPECIES 1:**

Applicant provisionally requests that the Examiner conduct the examination of the above referenced application based on Species.

\*\*\*\*\*

Applicant requests for any extension of time that may be deemed necessary to further the prosecution of this application.

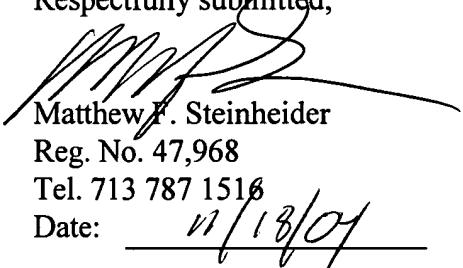
Applicant's representative authorizes the Commissioner to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 01-2508, referencing Order No. 13526.0025.NPUS00.

In order to facilitate the resolution of any issues or questions presented by this paper, Applicants respectfully request that the Examiner directly contact the undersigned by phone to further the discussion.

Serial No.: 10/720,594  
Confirmation No.: 5037  
Applicant: Newman  
Atty. Ref.: 13526.0025.NPUS00

In order to promote the prosecution of this application, the Examiner is authorized to contact the undersigned by electronic mail. Please address all e-mail to:  
[steinheiderm@howrey.com](mailto:steinheiderm@howrey.com)

Respectfully submitted,



Matthew P. Steinheider  
Reg. No. 47,968  
Tel. 713 787 1516  
Date: 11/18/01